

# ***Memorandum***

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** May 31, 2013  
**Re:** Staff Report for Kroger Fuel – Special Use Permit (Gasoline Station)

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## **Item #4 – Kroger Fuel – Special Use Permit (Gasoline Station) (PID# 201304290016)**

**Application:** Special Use Permit  
**Location:** 2410 Stringtown Road  
**Applicant:** Nicholas Hershberger, CESO Inc.  
**Zoning:** C-2 (Retail Commercial)  
**Use:** Gas Station (Proposed)

### **Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

### **Project Summary:**

The applicant is requesting a special use permit to operate a Kroger Fuel gasoline station at 2410 Stringtown Road, at the current location of the former Blockbuster and dry cleaners within the Grove City Plaza shopping center. The proposed gas station will have seven (7) fuel dispensers and a small 179 square foot building selling convenience items, all covered by a 19' foot tall canopy. The proposed facility will be open 24 hours a day, 7 days a week and will be staffed with one to two employees at all times.

A separate development plan application has been submitted for the design and other specific elements related to the development of the site. The current application is to approve the proposed use of a gasoline station on the site.

### **Code Analysis:**

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

**Standard is Met:** The proposed gasoline station does not change the intended character of the district. The site is bordered by other automotive oriented uses including the PNC Bank drive-thru to the west, Taco Bell drive-thru to the east, and BP gas station to the south.

2. *The proposed use shall not adversely affect the use of adjacent property;*

**Standard is Met:** The proposed gas station will not affect the use of adjacent property. All traffic will be contained on the shopping center site within the existing configuration of the development, in place of the existing retail structure.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

**Standard is Met:** The proposed gas station will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood. The site will be designed to ensure the safety of employees and customers of the gas station (to be examined more specifically with the development plan) and will not affect any residential areas.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

**Standard is Met:** The proposed gas station will be adequately served by public facilities.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

**Standard is Met:** The proposed use will not impose a traffic impact significantly different from other uses in the district.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

**Standard is Met:** The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

**Standard is Met:** The proposed use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

**Standard is Met:** The site is located in the C-2 district, in which gasoline service stations are permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

**Standard is Met:** The applicant properly submitted a completed application.

10. *Fuel pumps and canopies shall conform to all requirements of this section with regard to height, setbacks, and signs.*

**Standard is Met:** The proposed pumps and canopy meet height and setback requirements.

11. *Air compressor pumps (e.g. for tire inflation) and other outdoor equipment shall be identified on the site plan and shall be located in a manner which minimizes noise impacts on residential areas.*

**Standard is Met:** Air pumps are proposed within the landscape island along the northern portion of the area to be distributed by construction, separating the gas station from the larger shopping center. The proposed location is more than 550 feet from the nearest residential structure, on the opposite side of the shopping center structure.

**Recommendation(s):**

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit as submitted.